



ATTORNEY'S DOCKET NO: C1040/7010 (HCL/MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

Applicant: Heather L. Davis and Michael J. McCluskie  
Serial No: 09/768,012 JUL 05 2001  
Filed: January 22, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR INDUCING ~~TECH CENTER~~ 1600/2900  
TH2 IMMUNE RESPONSE  
Examiner: Not yet assigned  
Art Unit: 1632

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 28<sup>th</sup> day of June, 2001.

Maria A. Trevisan

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL**

Transmitted herewith are the following documents:

**Information Disclosure Statement/1449/references cited**  
 **Return Receipt Postcard**

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts

No fee is required. If any fee is determined to be due by the Examiner, the Examiner is authorized to charge the appropriate fee to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Maria A. Trevisan (Reg. No. P-48,207)  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 720-3500

Docket No. C1040/7010 (HCL/MAT)  
Dated: June 28, 2001  
**07/15/01**



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Maria A. Trevisan Reg. No.: P-48,207

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Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

**PTA**

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

**PART II: - Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application:

International Search Report for PCT/US 01/02170 (filed January 23, 2001), mailed June 7, 2001 and received June 15, 2001.

**PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

**PART IV: Remarks**

Document cited on the attached from PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: M Trevisan  
Maria A. Trevisan Reg. No. P-48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 720-3500

Docket No. C1040/7010

Dated: June 28, 2001  
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